

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

JACQUELINE STEVENS,

Plaintiff,

v.

U.S. IMMIGRATION AND CUSTOMS
ENFORCEMENT,

Defendant.

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Civil Action No.: 1:17-cv-2853

Judge Rebecca R. Pallmeyer
Magistrate Judge Gilbert

PLAINTIFF'S L.R. 56.1 RESPONSE

A. RESPONSE TO DEFENDANT'S RULE 56.1 STATEMENT

¶¶ 1-21: **Undisputed.**

¶ 22: **Disputed** to the extent Defendant's characterization of the application of redactions "in accordance with FOIA exemptions 5, 6, 7(C), and 7(E)" constitutes a legal conclusion.

¶ 23: **Disputed.** ICE withheld and failed to segregate non-exempt material in the form of all or part of the agency's finalized USC Claims Memos.

¶ 24: **Undisputed.**

¶ 25: **Disputed.** The redactions in the *Vaughn* index do not contemplate the finalized USC Claims Memos released to Plaintiff in March 2018 and April 2018, exemplars of which are attached to Plaintiff's Declaration as Exhibit C.

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B. PLAINTIFF'S STATEMENT OF ADDITIONAL FACTS REQUIRING DENIAL OF SUMMARY JUDGMENT

1. As part of her work, Plaintiff regularly makes Freedom of Information Act ("FOIA") requests to U.S. Immigration and Customs Enforcement ("ICE") seeking memoranda documenting the facts and analysis that inform ICE's enforcement activities against individuals who may be U.S. Citizens in an effort to document how the agency makes those determinations. Stevens Decl. ¶ 2.
2. These memoranda are commonly referred to as "USC Claims Memos." Stevens. Decl. ¶ 3.
3. Since 2010, Plaintiff has filed nearly identical FOIA requests for USC Claims Memos. Stevens. Decl. ¶ 3; Ex. A to Stevens Decl.
4. By analyzing the non-exempt portions of the USC Claims Memos she receives through FOIA, Professor Stevens and her students in the Deportation Research Clinic document and expose flaws in ICE's handling of citizenship claims that have led to the unlawful detention and deportation of U.S. Citizens. Stevens Decl. ¶ 5.
5. Unlike in previous FOIA responses ICE withheld in their entirety finalized USC Claims Memos. Stevens Decl. ¶¶ 6-7; Ex. C to Stevens Decl.

Dated: June 8, 2018

Respectfully submitted,

/s/ R. Andrew Free
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